

### REMARKS

This Amendment is submitted in response to the outstanding Office Action mailed on May 9, 2012.

The Office Action rejects claims 11 and 12 under 35 USC §102(b) over US Published Application No. 20020008866 to Ohtomo (Ohtomo).

To support the rejection, the Examiner asserts that Ohtomo discloses a handheld laser distance measuring device comprising a laser (Fig. 1, 11, 30) integrated in a housing, a position sensor for determining the spacial orientation of the distance measuring device, wherein the position sensor is connected with a signal transducer (Fig. 3, 11, 22, 21, 16), whereby the position sensor and the signal transducer are integrated in the housing (Figs. 2 and 3), whereby the signal transducer is capable of being triggered by the position sensor to emit a perceptible signal which depends on the spacial orientation and wherein the signal transducer is an optical signal transducer, an acoustic signal transducer or a tactile signal transducer (Figs. 2 and 3, 16).

In response, applicants amend independent claim 11 (as shown above) to more clearly distinguish Ohtomo and like prior art.

Claim 11 is amended to read as follows:

A handheld laser distance measuring device comprising  
a position sensor (22) for determining the spacial orientation of the  
distance measuring device,  
wherein the position sensor (22) is connected with a signal  
transducer (12, 30),

whereby the position sensor (22) and the signal transducer (12, 30) are integrated in a housing,

whereby the signal transducer (12, 30) is capable of being triggered by the position sensor (22) to emit a perceptible signal which depends on the spacial orientation and

wherein the signal transducer (12, 30) is an optical signal transducer (12, 30) which is a laser that emits light in the visible wavelength range and which serves to measure distances.

Support for the amendment to independent claim 11 is found in the Specification at page 2, lines 10-13 and lines 27-28.

The handheld laser distance measuring device according to amended independent claim 11 makes clear that the optical signal transducer built as a laser is provided for *measuring and displaying* a spatial orientation of the distance measuring device. The invention as defined offers the advantage that a separate signal transducer can be eliminated, which enables economical fabrication of the handheld laser distance measuring device (please see applicants' Specification at page 2, lines 28 and 29).

Ohtomo is distinguishable in that it discloses a distance measuring apparatus 10 comprising a distance measuring unit for measuring a distance by projecting a distance measuring light 30 and a display unit 13 for detecting a spacial orientation, e.g., a tilt, as found at paragraphs [0023] and [0040] and shown in Fig. 2

Ohtomo does not disclose or suggest that measuring apparatus 10 comprises a laser which is provided for *measuring and displaying* a spacial orientation of the distance measuring device, as required by amended independent claim 11.

In view of the fact that amended claim 11 includes these features, which Ohtomo does not, Ohtomo is not a proper reference under §102(b). Accordingly, claims 11 and 12 are patentable under §102(b) over Ohtomo and applicants respectfully request withdrawal of the rejections.

Accordingly, the application as amended, including pending claims 11 and 12, is in condition for allowance and action to this end is courteously solicited. However, should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application in condition for allowance.

Respectfully submitted,



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